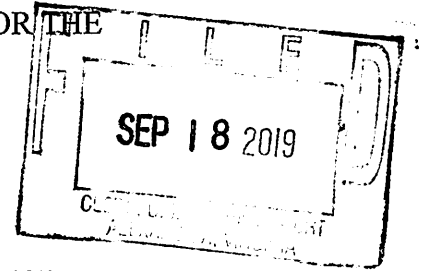


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)

v.)

ANDREW JON THOMASBERG,)

Defendant.)

Case No. 1:19-mj-407

UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT

I, Shawn M. Matthews, a Special Agent with the Federal Bureau of Investigation, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been so employed since January 2005. Prior to my work with the FBI, I worked in law enforcement as a municipal police officer in West Virginia and Virginia for a period of nine years. I hold a Bachelor's Degree in Criminal Behavior and a Master's Degree in the Administration of Justice. Additionally, I have received specialized training from the FBI, the West Virginia State Police Academy, and the Roanoke Virginia Police Academy, relevant to the investigation of narcotics, weapons, and computer-related crimes to include computer forensics training. I have experience and specialized training related to the collection of narcotics, weapons, and computer-related evidence, and have personally participated in search warrants involving the search and seizure of weapons, narcotics, and computer-related equipment. As a federal agent, I am authorized to investigate violations of laws of the United States Code, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States.

2. This affidavit is in support of a criminal complaint charging ANDREW JON THOMASBERG, (i) on or about October 18, 2017, in the Eastern District of Virginia, in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, with knowingly making any false or fictitious oral or written statement intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition, in violation of 18 U.S.C. § 922(a)(6), and (ii) between on or about November 2018 to March 2019, in the Eastern District of Virginia, with possessing a firearm while being an unlawful user of or addicted to any controlled substance, in violation of Title 18, United States Code, Section 922(g)(3).

3. The facts of this affidavit come from my personal observations, training and experience, legal processes, and from information obtained through other agents, and witnesses. Since this affidavit is being submitted for the limited purpose of establishing sufficient probable cause for the requested warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for the issuance of the arrest warrant requested herein.

PROBABLE CAUSE

THOMASBERG's Straw Purchase

4. On October 18, 2017, while employed at Sterling Arsenal, Sterling, VA, within the Eastern District of Virginia, THOMASBERG completed the purchase of an Arsenal SAM7R, 7.62x39, AK-47 assault-style rifle, bearing serial number BA532035. According to an interview with the owner of Sterling Arsenal, this purchase was made directly from a third-party firearm distributor that sells firearms to Sterling Arsenal. According to the owner of Sterling Arsenal,

THOMASBERG's firearm purchase was made while THOMASBERG was employed at Sterling Arsenal, without the consent of the Sterling Arsenal owner and in violation of Sterling Arsenal policy.

5. In purchasing these firearms, THOMASBERG completed necessary forms provided by the United States Department of Justice's Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). In particular, THOMASBERG completed and signed an ATF Form 4473 for this purchase on October 18, 2017. On this form, THOMASBERG provided his telephone number, email address, and home address. ATF Form 4473 includes Question 11.a. "Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the license cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b." THOMASBERG checked "yes" to this question, indicating he was in fact the purchaser of the aforementioned firearm.

6. According to the owner of Classic Firearms, a firearms distributor based in Indian Trail, North Carolina, the purchase of the above-mentioned firearm was made on the Classic Firearms website through the customer profile of THOMASBERG on or about October 8, 2017, for a total purchase amount of \$1,336.19. The purchase form indicated a shipping address for the Sterling, VA business address of Sterling Arsenal. The payment and billing information was for an individual known to me, referred to here as Individual B.B., located in Elkridge, Maryland. Bank records for Individual B.B. corroborate a \$1,336.19 charge to Individual B.B. for a purchase from Classic Firearms, processed on or about October 10, 2017.

7. According to a cooperating witness (hereinafter “CW 1”), Individual B.B. directed THOMASBERG to make the firearm purchase on Individual B.B.’s behalf. CW 1 was present for conversations between Individual B.B. and THOMASBERG, during which Individual B.B. directed the purchase of the aforementioned firearms.

8. On June 6, 2019, agents of the FBI, including the undersigned, executed a search warrant for the residence of Individual B.B. based on separate charges. The aforementioned firearm was seized from the residence of Individual B.B. at that time.

9. According to an invoice for the purchase, the firearm was shipped from MSR Distribution, a supplier in Las Vegas, Nevada to Sterling Arsenal in Sterling, Virginia.

THOMASBERG’s Possession of Firearms

10. In an interview conducted on or about December 27, 2018, a cooperating witness (hereinafter “CW 2”), an individual close to THOMASBERG, stated that, at the time of the interview, THOMASBERG owned three to four firearms. CW 2 also stated that THOMASBERG, for years, including through the time of the interview, regularly carried a handgun on his person.

11. CW 2 resided with THOMASBERG at the time of the interview, within the Eastern District of Virginia, and provided the FBI with recent pictures, set forth below, of multiple firearms in THOMASBERG’s bedroom. CW 2 took these photographs prior to the interview with the FBI, and did not take them at the direction of the FBI.



12. In interviews conducted with CW 1, in or about June 2019, CW 1 stated that THOMASBERG has and continues to possess and carry firearms on his person. CW 1 stated that THOMASBERG is in continuous possession of a firearm and has been for at least the last two year period.

13. Invoice records from Classic Firearms indicate that on or about April 25, 2016, THOMASBERG purchased a Finnish M39 Rifle, 7.62x54, bearing serial number 63933, from Classic Firearms and had it shipped to Silver Eagle Group ("SEG"), a Federal Firearms License

holder, in Ashburn, Virginia. THOMASBERG completed an ATF Form 4473 through SEG and took possession of the firearm on or about that same date.

14. Transaction invoices provided by SEG show that, on or about April 25, 2017, THOMASBERG purchased an AR-15 lower receiver, bearing serial number 2A2621, from SARCO INC., a firearms dealer based in Easton, Pennsylvania, and had it transferred through SEG. Based on my training, knowledge, and experience, a “lower receiver” is a reference to an AR-15 rifle and is the registered, serialized, and regulated portion of the firearm.

15. According to business records received from Sterling Arsenal on or about August 10, 2017, THOMASBERG submitted a Charles Daly Pistol, bearing serial number HP00626, for repairs at Sterling Arsenal.

16. According to records received and reviewed from the Fairfax County Police Department, in July 2019, THOMASBERG submitted his application for a concealed carry permit with the Fairfax County Police Department, Fairfax, VA, which denied his application.

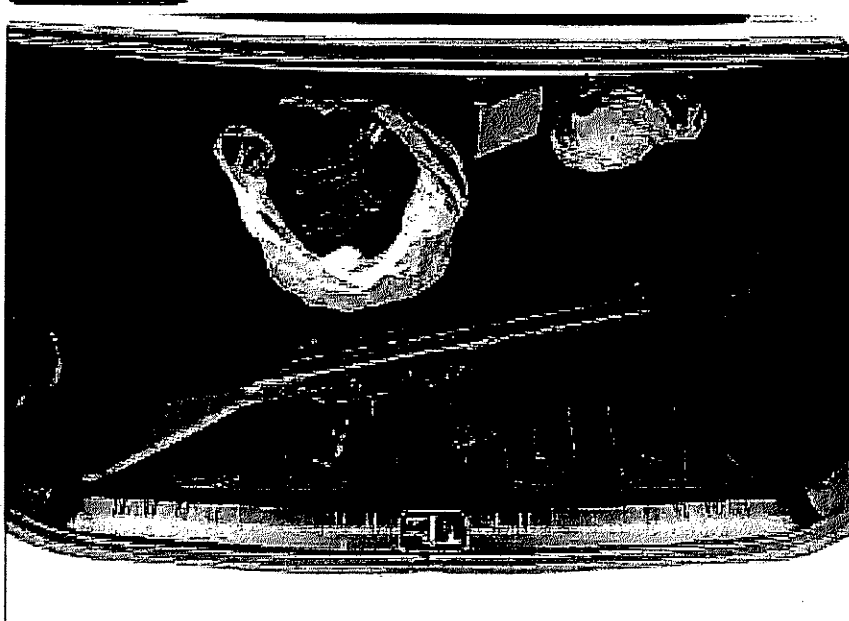
17. On or about July 22, 2019, THOMASBERG purchased a new handgun from Vienna Arsenal, Vienna, VA, an HK, P30, 9 mm handgun, bearing serial number 213-028956. On or about July 22, 2019, THOMASBURG completed an ATF Form 4473 for this purchase.

18. In July 2019, the FBI Washington Field Office conducted phone exploitation of Individual B.B.’s cellular phone, pursuant to a federal search warrant, wherein analysts discovered Signal encrypted messaging communications between Individual B.B., and a contact identified as “Drew” with phone number 703-xxx-8028 (hereinafter “Phone Number 8028” or “THOMASBERG”), discussing narcotics activity and weapons. Based on Sterling Arsenal, Classic Firearms, SEG, Fairfax County Police Department, and FBI database records, Phone

Number 8028 is known to the undersigned agent as THOMASBERG's cellular phone number. "Drew" is a nickname THOMASBERG identifies by.

19. During the July 2019 exploitation of Individual B.B.'s phone, analysts observed text messages over the application Signal between Individual B.B. and THOMASBERG that appeared to be discussions involving THOMASBERG's possession of firearms and transactions related to firearms and ammunition.

- a. On or about November 2, 2018, THOMASBERG texted Individual B.B., "Yo I found you a kickass upper receiver for your ar build. Its even better than mine. All it needs is a built lower receiver and a new muzzle brake and your g2g." Later that same day, THOMASBERG texted Individual B.B., "I can cannibalize it for you and xfer it to an engage upper lower set like I have."
- b. On or about March 24, 2019, THOMASBERG texted Individual B.B., "Wanna whip w me to richy? Need a roadtrip partner. Trading the saiga." Based on my knowledge, training and experience, "Saiga" is a manufacturer of firearms. Individual B.B. responded, "Can't today I'm busy." THOMASBERG responded with a photograph, set forth below, of an assault style rifle in the trunk of a car, indicating he traded the Saiga firearm for the firearm shown.



The weapon shown is a magazine-fed semiautomatic rifle. Also shown in the image is a bag containing multiple box-style magazines. THOMASBERG wrote, “All that for the saiga.”

- c. On or about March 25, 2019, THOMASBERG texted Individual B.B., “I can get used to this..... 99 cents a mag if I buy in bulk.” Individual B.B. responded “.308?” Based on my knowledge, training and experience, “mag” refers to a magazine which is used to feed ammunition into a weapon, and “.308” is a caliber of rifle ammunition.

20. During the July 2019 exploitation of Individual B.B.’s phone, analysts observed text messages over the application Signal between Individual B.B., THOMASBERG, and another individual that appeared to be discussions of THOMASBERG’s possession of firearms.

- a. On or about June 1, 2019, THOMASBERG texted the group, “Tfw, you’re carrying enough gear and supplies to set the new high score and wouldn’t want to have to explain that to a cop.” Based on my knowledge, training and

experience, “high score” in this context refers to the largest number of persons killed in a mass shooting.

21. Based on my training and experience, I know that the firearms discussed in this affidavit, and particularly in Paragraphs 4, 11, 13–15, and 17 constitute firearms, pursuant to Title 18, United States Code, Section 921(a)(3), were not manufactured in the Commonwealth of Virginia and, therefore, the firearms traveled in, and/or affected interstate commerce.

THOMASBERG’s Contemporaneous Drug Use

22. The ATF Forms 4473, which THOMASBERG filled out on or about October 18, 2017, and on or about July 22, 2019, included Question E, which reads: “Are you an unlawful user or addicted to marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.” On both forms, THOMASBERG checked “no” in response to this question. THOMASBERG certified that his answers were true and that he was aware that a false answer was punishable as a felony under federal law.

23. During the July 2019 exploitation of Individual B.B.’s phone, analysts observed text messages over the application Signal between Individual B.B. and THOMASBERG that appeared to be discussions of narcotics activity.

- a. On or about November 2, 2018, the following messages were exchanged:
 - i. THOMASBERG texted Individual B.B., “Yo im gonna start tripping again. Psychedelic Nazis.” Based on my investigation, both THOMASBERG and Individual B.B. have associations with white supremacist organizations, such as Attomwaffen Division.

- ii. Individual B.B. texted THOMASBERG, “Shrooms? Lsd?” Based on my training, knowledge, and experience, “Shrooms” refers to Psilocybin mushrooms, mushrooms which contain psychedelic properties and are used illegally as a hallucinogen. Based on my training, knowledge, and experience, psilocybin mushrooms are a Schedule I controlled substance.
 - iii. THOMASBERG texted Individual B.B., “Sid.” Based on my training, knowledge, and experience, “Sid” refers to LSD. Based on my training, knowledge, and experience, LSD is a Schedule I controlled substance.
 - iv. THOMASBERG texted Individual B.B., “I feel the calling to start tripping again. I just cant go balls deep like I did last time. Space it out like every month or so. Not every two weeks.”
- b. On or about November 9, 2018, the following messages were exchanged:
- i. THOMASBERG texted Individual B.B., “I have extra btc, are there any substances youd like to try.” Based on my training, knowledge, and experience, “btc” refers to Bitcoin.
 - ii. THOMASBERG texted Individual B.B., “Theres nothing more Aryan than entheogenic drug use. Drug addiction is untermensch.” Individual B.B. replied THOMASBERG, “That’s debatable. But I still have a bunch of shrooms anyway.” THOMASBERG responded to Individual B.B., “Literally since the dawn of time weve been harnessing the powers of nature and its fruits to expand our consciousness. Better

understanding our world and universe, creating tech and our environments to our likeness.”

iii. Individual B.B. texted THOMASBERG, “How about some lsd? I’m guessing that’s something you copped already.” THOMASBERG replied to Individual B.B., “No but I can.”

c. On or about November 10, 2018, THOMASBERG texted Individual B.B., “its amazing how acid opens your eyes.”

d. On or about November 14, 2018, the following messages were exchanged:

i. THOMASBERG texted Individual B.B., “Do some digging on forums and tell me what xtal you want for the lucy.” Based on my training, knowledge, and experience, “xtal” refers to LSD crystal and is referenced with a name of a specific LSD based on the quality of the crystal, and “lucy” refers to LSD.

ii. THOMASBERG texted Individual B.B., “Options are, dutch rose, gdf fluff, canadian needlepoint, and norcal. Ive had all except the norcal.” Based on my training, knowledge, and experience, “dutch rose,” “gdf fluff,” “Canadian needlepoint,” and “norcal” refer to variations of LSD based on the quality of the crystal and its purity.

iii. THOMASBERG texted Individual B.B., “He also had micro dose tabs.” Based on my training, knowledge, and experience, “micro dose tabs” refers to paper tabs containing LSD which are generally placed on the tongue as a form of consumption.

- e. On or about November 28, 2018, THOMASBERG texted Individual B.B., “My old plug is offering a lb for 900. if youre interested.” Individual B.B. responded, “Intrigued.”
- f. On or about January 21, 2019, THOMASBERG texted Individual B.B., “still on the straight edge? Bc im thinking of scooping more carts today. If youre inclined we could group scoop.” THOMASBERG added, “sour banagie, sunset sherbet, purple punch, girl scout cookies, wedding cake, gelato. Take yer pick.” Individual B.B. responded, “Purp.” THOMASBERG responded and asked, “Wanna link and do that or you want me to scoop for you?” Individual B.B. responded, “Just scoop for me, I gotta do a load or two of laundry before I head out.” Based on my training, knowledge, and experience, “carts” refers to “vape pen” cartridges that contain tetrahydrocannabinol (THC) oil, the main psychoactive ingredient in marijuana. Based on my training, knowledge, and experience, “sour banagie,” “sunset sherbet,” “purple punch,” “girl scout cookies,” “wedding cake,” and “gelato” refer to various strains of marijuana. Based on my training, knowledge, and experience, marijuana and THC oil are Schedule I controlled substances.
- g. On or about January 26, 2019, the following messages were exchanged:
 - i. THOMASBERG texted Individual B.B., “Got that modafinil. Im only 90m in and im blown away. This stuff is worth its weight in gold.” Based on my training, knowledge, and experience, “Modafinil” refers to a Schedule IV controlled substance, which can be abused as speed or an “upper.”

ii. Later in the conversation, Individual B.B. asked, “Provigil?”

THOMASBERG responded “its exactly that. I got the best of the best. Armodafinil (nuvigil).” Based on my training, knowledge, and experience, “Provigil” refers to the pharmaceutical generic for Modafinil, “Armodafinil” and “Nuvigil” are a similar drug under a different brand name.

iii. Later in the same conversation, Individual B.B. responded, “Wonder how one goes about finessing a prescription?” THOMASBERG replied, “Hehehe. India my dude.”

h. On or about March 4, 2019, THOMASBERG texted Individual B.B., “Confirmed, cops are dumb assholes and the carts are the way. Some jackass pulled me over after 10min cat and mouse. Bc of my “inspection sticker. Didnt smell shit.” Records obtained from the Loudoun County Virginia Sheriff’s Department indicate THOMASBERG was stopped on March 4, 2019, at 8:09 AM, for an inspection sticker violation.

24. During the July 2019 exploitation of Individual B.B.’s phone, analysts observed text messages over the application Signal between Individual B.B., THOMASBERG, and another individual that appeared to be discussions of narcotics activity.

a. On or about November 1, 2018, THOMASBERG texted the group, “I could do it if could sit still. But I need drugs for that and my opium doesnt get here until fri or sat....uggg.” Based on my training, knowledge, and experience, opium is a Schedule II controlled substance.


- b. On or about February 9, 2019, THOMASBERG texted the group, “Modafinils a funny drug.”

25. Many of their conversations concerning illegal drug use occurred between November 2018 and March 2019, around the time THOMASBERG was reported to be in constant possession of firearms, and involved in the trade of a Saiga semiautomatic assault rifle, discussed in Paragraph 19.b.


CONCLUSION

26. Based on my training and experience, and the information provided in this affidavit, I respectfully submit that there is probable cause to believe that (i) on or about October 18, 2017, in the Eastern District of Virginia, THOMASBERG, in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly made any false or fictitious oral or written statement intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition, in violation of Title 18, United States Code, Section 922(a)(6), and (ii) between on or about November 2018 to March 2019, in the Eastern District of Virginia, THOMASBERG possessed a firearm while being an unlawful user of or addicted to any controlled substance, in violation of Title 18, United States Code, Section 922(g)(3).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.


Shawn M. Matthews
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me this 18 day of September, 2019.


_____/s/_____
Theresa Carroll Buchanan
Honorable Theresa Carroll Buchanan
United States Magistrate Judge
United States Magistrate Judge
Alexandria, Virginia